

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kazunaga HORIUCHI et al.

Group Art Unit: 1754

Application No.: 10/014,560

Examiner: S. Hendrickson

Filed: December 14, 2001

Docket No.: 111467

For: CARBON NANOTUBE STRUCTURES, CARBON NANOTUBE DEVICES USING THE SAME AND METHOD FOR MANUFACTURING CARBON NANOTUBE STRUCTURES

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

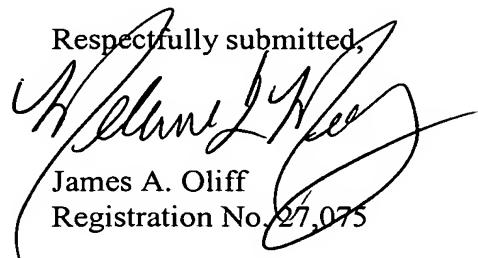
In reply to the January 12, 2004 Restriction Requirement, Applicants provisionally elect Group II, claims 10-28, with traverse.

It is respectfully submitted that the subject matter of all claims 1-28 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. In particular, a search and examination of the carbon nanotube structures of elected Group II would encompass a search and examination of Group I, directed to a method for manufacturing carbon nanotube structures. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should

apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Melanie L. Mealy
Registration No. 40,085

JAO:MLM/jam

Date: February 9, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461